

REMARKS

Upon entry of the instant amendment, claims 1-53 will remain pending in the application, standing ready for action on the merits. The amendments made herein to the claims do not incorporate new matter into the application as originally filed, as evidenced by the following facts.

For example, original claim 4 has been amended to remove a proper multiple dependency that was previously recited therein (since claim 4 already recites the limitations of claim 3), and original claims 5-11 and 14-22 have been amended to remove improper multiple dependencies that were previously recited therein. Claims 7-8 have also been amended to move a period "." to the end of each of the claims (since in original claims 7-8 periods occur before the chemical structures in each of the claims). Also, original claim 33 has been amended to depend from claim 1, wherein formula (1) is fully recited.

With respect to the newly added claims 38-53, the following is noted.

In new claims 38 to 43, the definition of  $R^3$  is limited to a group represented by the formula (1-1), and in new claims 44-53, the definition of  $R^3$  is limited to a group represented by the formula (1-2). Formulas (1-1) and (1-2) are recited in original claim 1.

In newly added claims 38 and 44, the definition of  $R^2$  is limited to exclude hydrogen atom and a halogen atom, which is supported by description at page 13, line 23 to page 15, line 3 of the specification.

In newly added claims 38 and 46, the ring that is formed by the two groups is limited to a saturated 6-membered ring, which is supported by description at page 15, lines 25-32 of the specification.

In newly added claim 45, the compound that has  $R^3$  of the formula (1-2) wherein a ring is not formed is excluded, which is supported by description at page 15, lines 25-32 of the specification.

In newly added claims 39-40 and 47-48, the combination of the groups to form a saturated 6-membered ring is limited, which is supported by disclosure at page 16, lines 6-7 of the specification.

In newly added claims 41-43 and 49-53, the definition of  $R^2$  is further limited, which finds support in description at page 13, lines 23-27 of the specification.

Accordingly, entry of the instant preliminary amendment is respectfully requested at present.

#### Conclusion

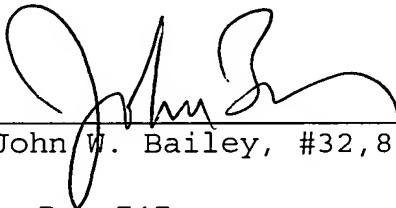
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully

requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  \_\_\_\_\_  
John W. Bailey, #32,881

JWB/jwb  
2870-0263P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000